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UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO CA 94111-3834

**MAILED**

SEP 30 2005

Technology Center 2100

In re Application of: FURUUMI et al.  
Application No. 10/722,781  
Filed: November 25, 2003  
For: INFORMATION PROCESSING  
SYSTEM, STORAGE SYSTEM, STORAGE  
DEVICE CONTROL APPARATUS AND  
PROGRAM

DECISION ON PETITION  
TO MAKE SPECIAL  
(ACCELERATED EXAMINATION)  
UNDER M.P.E.P. §708.02 (VIII)

This is a response to the renewed petition filed 25 August 2005, under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02 (VIII): Accelerated Examination, to make the above-identified application special. The renewed petition was filed in response to a dismissal of the original petition filed 30 December 2004.

The Petition is **DENIED**.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

- ...
- (e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The original petition was dismissed for failing to meet requirement (e).

The renewed petition filed 25 August 2005 also fails to adequately meet requirement (e) of the criteria set forth above. The discussion of the references does not point out with the particularity required by 37 CFR 1.111(b) and (c) how the claimed subject matter is patentable over the

references. The discussion fails to point out how each independent claim defines over each reference.

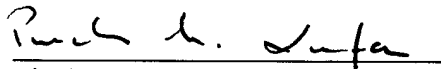
The petition identifies numbered features for each independent claim (a first feature for independent claim 1, . . . , an eighth feature for independent claim 14) and states that these purportedly claimed features distinguish the claims from the references.

For claims 1, 5, 6, 13, and 14, the numbered feature for each of these claims essentially recites all of the limitations of each of these claims. I.e., the petition purports that essentially the entirety of each of these claims is not taught by any of the references deemed most closely related. Such a statement is not a sufficient detailed description. Although the numbered feature for each of claims 2, 7, and 10 does not recite essentially the entirety of each claim, the numbered feature includes a substantial number of limitations. A statement that a substantial number of limitations are not taught by any of the references deemed most closely related is not a sufficient detailed description.

Also, some of the limitations which are purported to distinguish some of the independent claims from the references deemed most closely related do not appear to be in the claims. For example, the first feature of independent claim 1 recites that a first application program "sends data" from a first communication port to a second communication port and that a second application program "sends data" from a second communication port to a first communication port. However, claim 1 itself does not appear to require that data be sent. Rather, it appears to only require that the first application program "set" the first communication port as the sender of data and the second communication port as the destination of data and that the second application program "set" the second communication port as the sender of data and the first communication port as the destination of data. Similar concerns exist for claims 2, 13, and 14.

Petition to Make Special **DENIED**.

The application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.



Pinchus M. Laufer  
Special Program Examiner  
Technology Center 2100  
Computer Architecture, Software and Information Security  
571-272-3599